

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Eric Lance Sabot,	)	
	)	
Petitioner,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Chad Pringle, Warden,	)	Case No. 1:19-cv-033
	)	
Respondent.	)	

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This court issued orders on January 7, 2020, and March 19, 2020, denying petitioner’s claims for habeas relief and dismissing his habeas petition. (Doc. Nos. 19 and 24). The court subsequently denied petitioner’s request for leave to appeal its decision in forma pauperis. (Doc. No. 29).

On March 30, 2020, Eighth Circuit remanded this matter back to this court to consider whether a certificate of appealability should be issued to petitioner. (Doc. No. 31).

Under 28 U.S.C. § 2253(c)(2), a certificate of appealability may issue only if the petitioner has made a substantial showing of the denial of a constitutional right. When the court has rejected a petitioner's claim on the merits, the substantial showing required is that the “petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” Miller-El v. Cockrell, 537 U.S. 322, 338 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)); see also United States v. Lambros, 404 F.3d 1034, 1036-1037 (8th Cir. 2005); Garrett v. United States, 211 F.3d 1075, 1076 -1077 (8th Cir. 2000). When the court denies a petitioner's claim on procedural grounds without reaching the merits, the petitioner must demonstrate that reasonable jurists would find it debatable that a valid claim for the denial of constitutional rights has been stated and that the district court was correct in its procedural ruling.

Slack, 529 U.S. at 484.

Having reviewed the record, this court concludes that reasonable jurists would not find debatable the dispositions of petitioner's claims, whether on the merits or on procedural grounds. Consequently, this court will not issue a certificate of appealability to petitioner.

**IT IS SO ORDERED.**

Dated this 4th day of May, 2020.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge  
United States District Court